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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,173	10/04/1999	MICHAEL H. COHEN	03932.P006X	9303

7590 02/07/2002

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 02/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,173

Applicant(s)

COHEN ET AL.

Examiner

Michael N. Opsasnick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-7, 26,47-49, 52, and 56, are rejected under 35 U.S.C. 102(e) as being anticipated by Balakrishnan (6233559).

As per claims 1, 47,49,52, and 56 Balakrishnan (6233559) teaches a method of facilitating interaction between a human user and a processing system, the method comprising (as voice recognition interactive computer system (col. 2 lines 44-53):

“receiving.....processing system” as receiving input speech an information (col. 4 lines 18-37)

“using the information.....processing system” as suing the recognized speech to determine which application (col. 4 lines 51-67);

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As per claims 2, 26,48, and 49, Balakrishnan (6233559) teaches “using the information to optimize.....processing system” as optimizing the recognition for certain software, and thereby limiting the amount of recognized speech (col. 4 lines 17-50);

As per claims 3,49, Balakrishnan (6233559) teaches using the information to shorten the spoken dialogue by reducing the amount of information required by limiting the type of application (col. 4 lines 17-50)

As per claim 4, Balakrishnan (6233559) teaches reducing the number of items of information the user is required to speak by limiting to the type of application (col. 4 lines 17-50)

As per claims 5, 52, Balakrishnan (6233559) teaches reducing the number of possible speech command matches because of the predetermination of which application is being executed (col. 3 lines 35-60, col. 4 lines 35-65)

As per claim 6, Balakrishnan (6233559) teaches optimizing the spoken dialogue by limiting it to a certain application (col. 4 lines 30-66)

As per claim 7, Balakrishnan (6233559) teaches the concept of remote access to the system (as application includes a network browser, Netscape, inherently tied to a network -- col. 6 lines 5-15);

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan (6233559) in view of Imielinski et al (6240448).

As per claims 8,19,24,27,33,34,43-46,50, and 60, Balakrishnan (6233559) teaches providing user information into a speech enabled system (abstract, Fig. 4, Fig. 5), with applications leading to a network (col. 4 lines 1-16). Balakrishnan (6233559) does not explicitly teach using the application in a plurality of interconnected speech enabled sites, however, Imielinski et al (6240448) teaches spoken command, audio enabled, web pages (abstract). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition commands to expand the system of Balakrishnan (6233559) to included multiple interconnected speech enabled sites because it would advantageously allow the applications to be used in multiple user setup (Imielinski et al (6240448) col. 2 lines 20-61).

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As per claim 9, Imielinski et al (6240448) teaches personalized saved information (col. 2 lines 29-32).

As per claim 10, Imielinski et al (6240448) teaches maintaining the information in a user profile (col. 2 lines 28-40)

As per claims 11,25,29,32,41,51, 57, Balakrishnan (6233559) teaches optimizing the spoken dialogue by limiting it to a certain application (col. 4 lines 30-66).

As per claims 12,20, and 23, Imielinski et al (6240448) teaches acquiring the information over a network (col. 2 lines 28-61)

As per claims 13,40, Imielinski et al (6240448) teaches a voice browser for speech audio applications (col. 2 lines 29-61)

As per claims 14,21,22,28, and 42, Imielinski et al (6240448) teaches the server containing information about the user (col. 2 lines 44-61)

As per claims 15,31, and 53, Imielinski et al (6240448) teaches brokering the information with respected to the speech enable sites (col. 6 lines 23-52)

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As per claims 16,30,35,54, and 58, Imielinski et al (6240448) teaches selectively providing the plurality of interconnected speech enabled sites (col. 2 lines 30-60, col. 6 lines 25-50)

As per claims 17,36,37,55, and 59, Imielinski et al (6240448) teaches server based verification access (col. 5 lines 29-40)

As per claims 18,38, and 39, Imielinski et al (6240448) teaches directly contacted speech enabled sites on a network (col. 6 lines 45-53)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on PTO-892 form.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsha Banks-Harold, can be reached at (703)305-4379. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

2/4/02

Vijay Khawar
2/6/02